

FILE COPY

Wold Morrison Law

April 10, 2017

Brandon M. Bjerknes
8321 White Oak Street NE
Bemidji, MN 56601

RE: State of Minnesota v. Brandon Mark Bjerknes
Court File No.: 04-CR-17-846

Peter B. Wold
pwold@wold-law.com

Criminal Law Specialist
Certified by MSBA

also licensed in North Dakota
also licensed in South Dakota

Aaron J. Morrison
amorrison@wold-law.com

also licensed in Wisconsin

Dear Brandon:

Enclosed please find a thumb drive containing discovery in the above matter.

If you have any questions, please do not hesitate to contact me.

Sincerely,

WOLD MORRISON LAW



Aaron J. Morrison

AJM/ko

Enc.

Karen K.O. Parker
Office Administrator
koparker@wold-law.com

Barristers Trust Building
247 Third Avenue South
Minneapolis, MN 55415
Office: 612-341-2525
Fax: 612-341-0116

Exh. 1

Peter Wold

From: Karen K.O. Parker
Sent: Thursday, June 8, 2017 3:37 PM
To: Peter Wold
Subject: Brandon Bjerknes - Voicemail

Brandon left a voicemail message on my phone saying he was trying to call you because he said you mentioned you may go and visit him at Sherburne County on Friday. He said he's doing ok and he doesn't need anything this minute, he is ok, and that he doesn't want to make you drive way up there unnecessarily unless you need to see/speak with him about something, then fine and go see him. Otherwise he said something about he can talk with you when he gets to a halfway house.

Karen K.O. Parker
Office Administrator
WOLD MORRISON LAW
Criminal Defense Attorneys
247 Third Avenue South
Minneapolis, MN 55415
Telephone: 612.341.2525
Facsimile: 612.341.0116

This e-mail message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Exh. 2

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No.: 17-mj-479 (JTH)

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRANDON MARK BJERKNES,

Defendant.

**JOINT MOTION OF THE PARTIES
FOR EXTENSION OF TIME FOR
FILING INDICTMENT**

The United States of America by and through its attorneys, Gregory G. Brooker, Acting United States Attorney for the District of Minnesota, and Assistant United States Attorney Angela M. Munoz-Kaphing, together with Defendant Brandon Mark Bjerknes and his attorney, Peter Wold, jointly move the Court pursuant to 18 U.S.C. §3161(h)(7) for a 60-day extension of time for filing the indictment in the above-captioned matter. The grounds for this motion are as follows:

1. On May 30, 2017, the Defendant was arrested on a federal complaint in Beltrami County, Minnesota. An initial appearance in the matter was held on May 31, 2017, in the United States District Court for the District of Minnesota. (Dkt. No. 7). The Government moved for detention, the Honorable Jon T. Huseby ordered the Defendant temporarily detained pending a preliminary and detention hearing before the Honorable Hildy Bowbeer. (Dkt. No. 8).

2. On June 1, 2017, the Court appointed Attorney Peter Wold to represent the Defendant. (Dkt. No. 10).

3. Pursuant to 18 U.S.C. § 3161(b), an indictment must be filed by June 29, 2017.

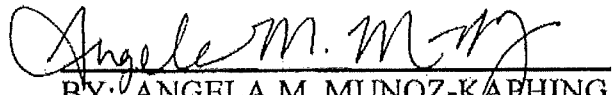
4. The parties agree that a 60-day extension of the time period in which the United States is required to bring the matter before the grand jury serves the interests of Defendant, the public, and justice in this case, and that such interests outweigh the public and Defendant's interests in a speedy trial. Specifically, the Government and Defendant agree that a pre-indictment resolution would save the Government substantial resources while allowing Defendant to promptly resolve this matter and reduce his potential consequences. However, the parties have had insufficient time to explore their options for pre-indictment resolution. Such a resolution will not be possible without the requested extension.

5. Counsel for Defendant has consulted with Defendant about this extension request, and Defendant consents to the request and agrees that any period of delay is excluded from the calculation of time under the Speedy Trial Act.

For the foregoing reasons, the parties respectfully and jointly request that the motion for a 60-day extension of time for filing the indictment in the above-captioned matter be granted. A proposed order accompanies this motion.

Dated: June 13, 2017

GREGORY G. BROOKER
Acting United States Attorney

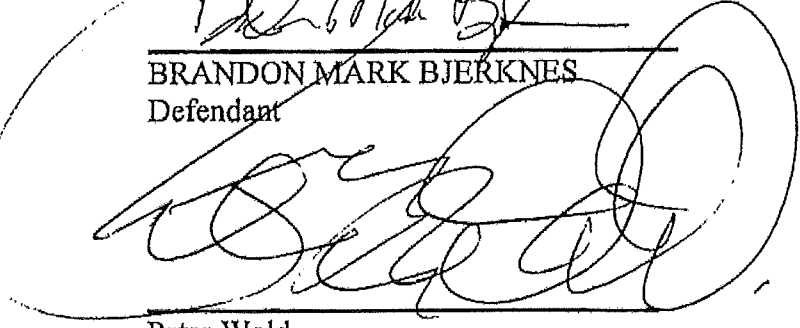

BY: ANGELA M. MUNOZ-KAPHING
Assistant United States Attorney

Dated: June 12, 2017



BRANDON MARK BJERKNES
Defendant

Dated: June 12, 2017



Peter Wold
Wold Morrison Law Firm
Counsel for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 17-mj-479 (JTH)

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
BRANDON MARK BJERKNES,)
)
Defendant.)

FILED UNDER SEAL

**ORDER GRANTING PARTIES'
JOINT MOTION FOR EXTENSION
OF TIME FOR FILING INDICTMENT**

This matter is before the Court on the parties' joint motion, pursuant to 18 U.S.C. § 3161(h)(7), for a 60-day extension of time to file an indictment in the above-captioned matter. According to the joint motion, an indictment against Defendant must be filed by June 29, 2017.

After consideration of the joint motion, the reasons stated therein, and the record before it, including the agreement by the parties and the Defendant's consent, the Court makes the following findings:

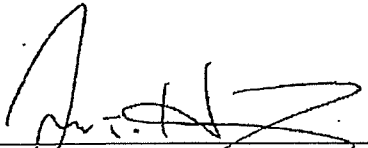
1. The parties' interest in reaching a pre-indictment resolution of this case could lead to significant benefits for both parties, and the parties have not had an adequate opportunity to explore such a resolution;
2. Without the requested extension, the parties will not have the opportunity to resolve this matter prior to indictment; and
3. The ends of justice served by granting the parties' joint motion outweigh the interests of the public and the defendant in a speedy trial.

Based on the foregoing, IT IS HEREBY ORDERED that:

1. The joint motion for a 60-day extension of time to file an indictment in the above-captioned matter is GRANTED;
2. Any indictment in this matter shall be filed on or before August 28, 2017;
and
3. The time period from June 13, 2017 through August 28, 2017, is excluded under 18 U.S.C. § 3161(h)(7)(B)(iv), namely that the failure to grant such a continuance in this case would unreasonably deny counsel for the defendant and the attorney for the Government the reasonable time necessary for effective preparation and negotiation of the matter.

Dated:

6-13-2017


The Honorable Jon T. Huseby
U.S. Magistrate Judge



U.S. Department of Justice

United States Attorney
District of Minnesota

600 United States Courthouse
300 South Fourth Street
Minneapolis, MN 55415

Telephone: (612) 664-5600
Fax: (612) 664-5787

August 11, 2017

Peter B. Wold
Wold Morrison Law
247 Third Avenue South
Minneapolis, MN 55415

Re: United States v. Brandon Mark Bjerknes
17-mj-479 (JTH)

Dear Mr. Wold,

The Government has prepared the enclosed pre-indictment plea offer for Mr. Bjerknes in the above-referenced matter. This plea offer will remain available until August 31, 2017. If Mr. Bjerknes does not accept the offer by that date, then the Government will withdraw the plea offer, and proceed to presenting an Indictment to a Grand Jury in the District of Minnesota.

The plea offer requires Mr. Bjerknes to enter a guilty plea to a two-count Information, charging him with one count of Coercion and Enticement, in violation of 18 U.S.C. §§ 2422(b) and 2427, and one count of Production of Child Pornography, in violation of 18 U.S.C. §§ 2251(a) and 2251(e). To date, the investigation of Mr. Bjerknes has determined that he was in contact with at least fifty-five identified minors. The investigation has determined that Mr. Bjerknes coerced, enticed, and induced five known minors to create and send him videos and images of themselves, which constitute child pornography. The investigation of Mr. Bjerknes's electronic devices and social media activities, and interviews of the identified minors is ongoing. Any subsequent offer from the Government after August 31, 2017 will require Mr. Bjerknes to plead guilty to the two counts in the present offer and additional counts, including production of child pornography, coercion and enticement, distribution of child pornography, possession of child pornography, and/or transfer of obscene material to a minor.

Exh. 4

In order to facilitate a resolution of this matter, the Government has provided the Defendant with early discovery disclosures on August 4, 2017. The Government is also willing to schedule a reverse proffer session with you and Mr. Bjerknes at the U.S. Attorney's Office in order to provide an overview of the applicable federal criminal charges that Mr. Bjerknes faces in this matter and the relevant evidence obtained by the Government in support of those charges. Please let me know if Mr. Bjerknes is interested in scheduling a reverse proffer.

The Government is aware of Mr. Bjerknes's pending state charges in Beltrami County. The undersigned has conferred with Assistant Beltrami County Attorney David Frank, and the U.S. Attorney's Office and the Beltrami County Attorney's Office are willing to discuss a global resolution of the federal and state charges.

Please feel free to contact me should you have any questions or concerns regarding the Government's plea offer.

Sincerely,

GREGORY G. BROOKER
Acting United States Attorney

s/ Angela M. Munoz-Kaphing

BY: ANGELA M. MUNOZ-KAPHING
Assistant U.S. Attorney

Enclosures: 8-11-17 Draft Information; 8-11-17 Draft Plea Agreement

Peter Wold

From: Munoz-Kaphing, Angela (USAMN) [Angela.Munoz-Kaphing@usdoj.gov]
Sent: Wednesday, September 6, 2017 3:24 PM
To: Peter Wold
Subject: US v. Brandon Bjerknes - Revised Plea Agreement Attached
Attachments: Brandon Bjerknes - Plea Agreement - 9.6.17.pdf; Brandon Bjerknes - Plea Agreement - 9.6.17_CLEAN COPY.docx

Peter,

Attached please find a revised plea agreement for Brandon Bjerknes. The revisions are identified in redlines in the attached PDF. I also attached a word document that includes all of the changes.

The revisions include:

1. The addition of new paragraph 8. This paragraph includes the U.S. Attorney's Office's agreement that it will not oppose any request that Mr. Bjerknes's federal sentence runs concurrently with any state sentence he is ordered to serve.
2. Renumbering of Victims. In total, Mr. Bjerknes obtained child pornography from six different minors. The August 8, 2017 plea agreement draft identified five victims of child pornography. The sixth minor was disclosed to you in the Government's August 24, 2017 discovery disclosures. These six minors are referenced as MINORS #1-6 in the attached. MINOR #7 is the minor male who Bjerknes distributed child pornography to. He was previously referred to as Minor #6.

For clarity, here are the minor's initials:

MINOR #1 = D.L.
MINOR #2 = K.E.
MINOR #3 = J.K.
MINOR #4 = S.F.
MINOR #5 = E.B.
MINOR #6 = E.D.
MINOR #7 = N.H.

3. Guidelines Calculations. There is an additional "specific offense characteristic" applicable to MINOR #1 (Count 1) and MINOR #2 (Count 2). This is a 2-level enhancement because the child pornography files in both of these charges involved sexual acts or sexual touching, namely masturbation. The addition of MINOR #6 results in a five-level increase rather than a four-level increase. See page 8 ("Combined Offense Level" paragraph). Ultimately, these enhancements do not change the Guideline range because U.S.S.G. Chapter 5, Part A, Application Note 2 provides that an offense level of more than 43 is treated as an offense level of 43.
4. I also corrected a couple of typos.

Please call me with any questions.

Thank you,
Angela

Angela Munoz-Kaphing | Assistant United States Attorney
U.S. Attorney's Office | District of Minnesota
300 South 4th Street | Suite 600 | Minneapolis, MN 55415
T: 612.664.5779 | F: 612.664.5787 | C: 612.508.9732

Exh. 5